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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,477	06/30/2003	Georg Kormann	09159-US	9353

30689 7590 12/08/2005

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EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/610,477	KORMANN, GEORG	
	Examiner	Art Unit	
	Aditya S. Bhat	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 & 8-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Beck (USPUB 2002/0091476).

With regards to claim 1, Beck (USPUB 2002/0091476) teaches a system for documenting and controlling the operation of an attached implement for a working machine, comprising

an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory, the memory receives the operating parameter signal and stores an operation documentation information derived from or corresponding to the operating parameter signal in memory wherein the system is operable to control at least one of the implement and the working machine dependent on the stored operation and documentation information. (Page 1, paragraph 0010 & 0015)

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With regards to claim 2 and 13, Beck (USPUB 2002/0091476) teaches a display for displaying the operating parameter signal from the memory. (Page 3, paragraph 0025)

With regards to claim 3 and 14, Beck (USPUB 2002/0091476) teaches the display interacts with an on-board computer of the working machine. (Page 3, paragraph 0025)

With regards to claim 4 and 15, Beck (USPUB 2002/0091476) teaches additional information about the attached implement is stored in the memory. (Page 1, paragraph 0015)

With regards to claim 8, Beck (USPUB 2002/0091476) teaches the memory contains a non-volatile memory. (Page 1, paragraph 0015)

With regards to claim 9, Beck (USPUB 2002/0091476) teaches the operating parameter detection arrangement and the memory are supplied electric current from a storage battery.

Although the Beck (USPUB 2002/0091476) reference does not explicitly state a current source to supply current to the operating parameter detection arrangement and the memory, it would be inherent for the harvesting machine as shown in figure 1 to have a current source and it would be obvious to use that to supply the equipment attached to the harvesting machine with current from that source.

With regards to claim 10, Beck (USPUB 2002/0091476) teaches the memory is arranged on the attached implement. (Page 1, paragraph 0006)

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With regards to claim 11, Beck (USPUB 2002/0091476) teaches at least part of the operating parameter detection arrangement is arranged on the working machine and the parameter detection arrangement is connected to the memory. (Page 2, paragraph 0015-16).

With regards to claim 12, Beck (USPUB 2002/0091476) teaches an attached implement for a self-propelled working machine is provided with a system for documenting and controlling the operation of the attached implement, the system comprising

an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory, the memory receives the operating parameter signal and stores an operation documentation information from or corresponding to the operating parameter signal in memory, the memory being attached to the attached implement wherein the system is operable to control at least one of the implement and the working machine dependent on the stored operation documentation information. (Page 1, paragraph 0010 & 0015)

With regards to claim 16, Beck (USPUB 2002/0091476) teaches the working implement comprises a harvesting assembly. (Page 1, paragraph 0016)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck (USPUB 2002/0091476) in view of Schick et al. (USPUB 2002/0059075).

With regards to claims 5-7 Beck (USPUB 2002/0091476) does not explicitly disclose operating parameter signal contains information about where, how long the attached implement was operated and how much load the attached implement encountered.

With regards to claim 5, Schick et al. (USPUB 2002/0059075) teaches the operating parameter signal contains information about how long the attached implement was operated. (Figure 6), (Page 3, paragraph 0025).

With regards to claim 6, Schick et al. (USPUB 2002/0059075) teaches the operating parameter signal contains information about where the attached implement was operated. (Page 1, paragraph 0005).

With regards to claim 7, Schick et al. (USPUB 2002/0059075) teaches the operating parameter signal contains information about how much load the attached implement encountered. (Page 1, paragraph 0007), (Page 6, paragraph 0047)

It would've been obvious to one skilled in the art at the time of the invention to modify the Beck (USPUB 2002/0091476) to include the operating parameters taught by Schick et al. (USPUB 2002/0059075) to arrive at the claimed invention in order to optimize the cargo at or near the vehicle's maximum capacity. (Page 1, paragraph 0007).

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record does not teach controlling the implement based on the history. Page 2, Paragraph 0015 teaches a neural network which by definition is a computational method for optimizing for a desired property based on previous learning cycles. Therefore the rejection is deemed proper.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Behnke et al. (USPN 6,682,416) teaches an apparatus and method for automatic adjustment of a transfer device on an agricultural harvesting machine, Windle et al. (USPN 4,926,331) teaches a truck operation monitoring system, Ito et al. teaches an apparatus for providing information for agricultural work machine, Douglas et al. (USPUB 2003/0069648) teaches a system and method for monitoring and managing equipment, Roddy et al. (USPUB 2003/0055666) teaches a system and method for managing a fleet of remote assets and Duckinghaus et al. (USPN 5,901,535) teaches a feed control device for a harvesting machine method of controlling.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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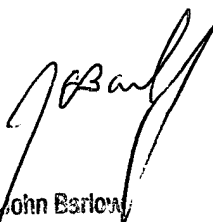
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
December 2, 2005



John Barlow
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